

AMENDED IN ASSEMBLY DECEMBER 18, 2008

CALIFORNIA LEGISLATURE—2009–10 FIRST EXTRAORDINARY SESSION

SENATE BILL

No. 4

Introduced by Senator Ducheny

December 8, 2008

An act relating to the Budget Act of 2008. An act to amend Section 11011 of the Government Code, and to add Section 21080.15 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 4, as amended, Ducheny. ~~Budget Act of 2008.~~ *Environmental quality: surplus state property.*

(1) Existing law, the California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. Other provisions of existing law authorize the Department of General Services to dispose of real property that the Legislature has declared surplus, and has directed the disposal of, by the Department of General Services.

This bill would exempt from CEQA, unless a specified condition exists, the disposition of a parcel of surplus state real property if the project consists exclusively of the sale or transfer of that property by a state agency.

(2) Existing law requires each state agency, on or before December 31 of each year, to review certain proprietary state lands over which the state agency has jurisdiction to determine what land is in excess and to report the determination, in writing, to the Department of General

Services. Existing law requires the Department of General Services to annually report to the Legislature, lands that are declared to be in excess.

This bill would require each state agency, before making the above determination, to comply with the California Environmental Quality Act. The bill would require the Department of General Services to report annually to the Legislature lands that are determined to be excess and those that are determined not to be excess.

(3) This bill would provide that its provisions would become operative only if AB 2 of the 2009–10 First Extraordinary Session is enacted and becomes effective.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2008.~~

(4) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 1, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 1, 2008, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
2 ~~changes relating to the Budget Act of 2008.~~

3 *SECTION 1. Section 11011 of the Government Code is*
4 *amended to read:*

5 11011. (a) On or before December ~~31st~~ 31 of each year, each
6 state agency shall make a review of all proprietary state lands,
7 other than tax-deeded land, land held for highway purposes, lands
8 under the jurisdiction of the State Lands Commission, land that
9 has escheated to the state or that has been distributed to the state
10 by court decree in estates of deceased persons, and lands under
11 the jurisdiction of the State Coastal Conservancy, over which it
12 has jurisdiction to determine what, if any, land is in excess of its
13 foreseeable needs and report thereon in writing to the Department

1 of General Services. These lands shall include, but not be limited
2 to, the following:

3 (1) Land not currently being utilized, or currently being
4 underutilized, by the state agency for any existing or ongoing state
5 program.

6 (2) Land for which the state agency has not identified any
7 specific utilization relative to future programmatic needs.

8 (3) Land not identified by the state agency within its master
9 plans for facility development.

10 (b) Jurisdiction of all land reported as excess shall be transferred
11 to the Department of General Services, when requested by the
12 director ~~thereof of that department~~, for sale or disposition under
13 this section or as may be otherwise authorized by law.

14 (c) The Department of General Services shall report to the
15 Legislature annually, the land ~~declared that each state agency~~
16 ~~determined to be excess and the land that the state agency~~
17 ~~determined not to be excess. Prior to making the determination~~
18 ~~that the land is excess, the state agency shall comply with the~~
19 ~~California Environmental Quality Act, Division 13 (commencing~~
20 ~~with Section 21000) of the Public Resources Code. After the~~
21 ~~determination that the land is excess has been made, the~~
22 ~~department shall request authorization from the Legislature to~~
23 ~~dispose of the that land by sale or otherwise.~~

24 (d) The Department of General Services shall review and
25 consider reports submitted to the Director of General Services
26 pursuant to Section 66907.12 of ~~the Government Code~~ *this code*
27 and Section 31104.3 of the Public Resources Code prior to
28 recommending or taking any action on surplus land, and shall also
29 circulate the reports to all agencies that are required to report excess
30 land pursuant to this section. In recommending or determining the
31 disposition of surplus lands, the Director of General Services may
32 give priority to proposals by the state that involve the exchange
33 of surplus lands for lands listed in those reports.

34 (e) Except as otherwise provided by ~~any other provision of law,~~
35 whenever any land is reported as excess pursuant to this section,
36 the Department of General Services shall determine whether or
37 not the use of the land is needed by any other state agency. If the
38 Department of General Services determines that any land is needed
39 by any other state agency it may transfer the jurisdiction of this

1 land to the other state agency upon the terms and conditions as it
2 may deem to be for the best interests of the state.

3 (f) When authority is granted for the sale or other disposition
4 of lands declared excess, and the Department of General Services
5 has determined that the use of the land is not needed by any other
6 state agency, the Department of General Services shall sell the
7 land or otherwise dispose of the same pursuant to the authorization,
8 upon any terms and conditions and subject to any reservations and
9 exceptions as the Department of General Services may deem to
10 be for the best interests of the state. The Department of General
11 Services shall report to the Legislature annually, with respect to
12 each parcel of land authorized to be sold under this section, giving
13 the following information:

14 (1) A description or other identification of the property.

15 (2) The date of authorization.

16 (3) With regard to each parcel sold after the next preceding
17 report, the date of sale and price received, or the value of the land
18 received in exchange.

19 (4) The present status of the property, if not sold or otherwise
20 disposed of at the time of the report.

21 (g) Except as otherwise specified by law, the net proceeds
22 received from any real property disposition, including the sale,
23 lease, exchange, or other means, that is received pursuant to this
24 section shall be paid into the Deficit Recovery Bond Retirement
25 Sinking Fund Subaccount, established pursuant to subdivision (f)
26 of Section 20 of Article XVI of the California Constitution, until
27 the time that the bonds issued pursuant to the Economic Recovery
28 Bond Act (Title 18 (commencing with Section 99050)), approved
29 by the voters at the March 2, 2004, statewide primary election, are
30 retired. Thereafter, the net proceeds received pursuant to this
31 section shall be deposited in the Special Fund for Economic
32 Uncertainties.

33 For purposes of this section, net proceeds shall be defined as
34 proceeds less any outstanding loans from the General Fund, or
35 outstanding reimbursements due to the Property Acquisition Law
36 Money Account for costs incurred prior to June 30, 2005, related
37 to the management of the state's real property assets, including,
38 but not limited to, surplus property identification, legal research,
39 feasibility statistics, activities associated with land use, and due
40 diligence.

(h) The Director of Finance may approve loans from the General Fund to the Property Acquisition Law Money Account, which is hereby created in the State Treasury, for the purposes of supporting the management of the state's real property assets.

(i) Any rentals or other revenues received by the department from real properties, the jurisdiction of which has been transferred to the Department of General Services under this section, shall be deposited in the Property Acquisition Law Money Account and shall be available for expenditure by the Department of General Services upon appropriation by the Legislature.

(j) Nothing contained in this section shall be construed to prohibit the sale, letting, or other disposition of any state lands pursuant to any law now or hereafter enacted authorizing the sale, letting, or disposition.

(k) Subdivisions (a) to (f), inclusive, of this section shall be inoperative from August 16, 2004, until July 1, 2005, with the exception of subdivisions (g) to (j), inclusive, which shall take effect retroactively, beginning November 3, 2004.

SEC. 2. Section 21080.15 is added to the Public Resources Code, to read:

21080.15. This division does not apply to the disposition of a parcel of surplus state real property identified as excess pursuant to Section 11011 of the Government Code if the project consists exclusively of the sale or transfer of surplus state real property by a state agency, unless one of the following conditions exists:

(a) The surplus real property has been designated and mapped by a federal, state, or local agency as a sensitive environmental area.

(b) The cumulative impact of successive sales or transfers of surplus state real property in the same general location, over time, is significant.

(c) The sale or transfer of the surplus state real property may have significant effect on public health, safety, or significant natural resources.

(d) The sale or transfer of the surplus state real property may result in damage to scenic resources, including, but not limited to, trees, historic buildings, cultural resources, rock outcroppings, or similar resources along a highway officially designated as a state scenic highway.

1 (e) *The surplus state real property is a site that is included on*
2 *the list compiled by the Department of Toxic Substances Control*
3 *pursuant to Section 65962.5 of the Government Code.*

4 (f) *The sale or transfer is within a park or natural reserve.*

5 (g) *The surplus state real property is located in an area of*
6 *statewide, regional, or areawide concern listed pursuant to*
7 *paragraph (4) of subdivision (b) of Section 15206 of Title 14 of*
8 *the California Code of Regulations.*

9 SEC. 3. *This act shall only become operative if Assembly Bill*
10 *2 of the 2009–10 First Extraordinary Session is enacted and*
11 *becomes effective.*

12 ~~SEC. 2.~~

13 SEC. 4. This act addresses the fiscal emergency declared by
14 the Governor by proclamation on December 1, 2008, pursuant to
15 subdivision (f) of Section 10 of Article IV of the California
16 Constitution.

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